

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.1325 OF 2023
CRIMINAL APPLICATION NO. 3003/2023

1. Chandrakant Kailas Pardeshi
2. Kishor Kailas Pardeshi
3. Sandhya Kishor Pardeshi ... APPLICANTS

VERSUS

1. The State of Maharashtra
Through City Police Station, Chalisgaon
Dist Jalgaon
2. The Superintendent of Police,
Jalgaon, Dist. Jalgaon. ... RESPONDENTS

Mr. A. C. Deshpande, Advocate for the applicants
Mrs. G. L. Deshpande, APP for the respondent/State
Mr. D. S. Patil, Advocate for the informant

WITH
**ANTICIPATORY BAIL APPLICATION NO.1111 OF 2023
CRIMINAL APPLICATION NO. 3003/2023**

1. Yogita Mohan Mistari
2. Anita @ Nita Mohan Mistari ... APPLICANTS

VERSUS

1. The State of Maharashtra
Through City Police Station, Chalisgaon
Dist Jalgaon
2. The Superintendent of Police,
Jalgaon, Dist. Jalgaon. ... RESPONDENTS

Mr. A. C. Deshpande, Advocate for the applicants
Mrs. G. L. Deshpande, APP for the respondent/State
Mr. D. S. Patil, Advocate for the informant

CORAM : R. M. JOSHI, J.

DATE : 8th NOVEMBER , 2023

P.C. :-

1. Heard.
2. Applicants apprehend arrest in connection with Crime No. 244/2023 registered with Chalisgaon Police Station, Tal. Chalisgaon, Dist. Jalgaon for the offences punishable under Sections 307, 143, 144, 147, 148, 324, 323, 504, 506 r/w 149 of Indian Penal Code (for short 'IPC') and Section 135 of Maharashtra Police Act.
3. First informant Shyam Deshmukh reported incident occurred on 26/05/2023 at around 9.00 pm to 10.00 pm. According to him the applicants and co-accused came to his hotel and threatened him to vacate the same. In the said incident co-accused assaulted him on his head with pointed weapon whereas the allegation against the applicants is that they assaulted him with wooden sticks, fist and kicks blows.
4. Learned counsel for the applicants submits that there is no allegations against the applicants in ABA No. 1325 of 2023 for using any weapon in the said assault and as such nothing is to be recovered at their instance. It is submitted that though allegation is made against applicants ABA No. 1111 of 2023 about use of wooden sticks to cause

assault. He submits that there is a counter report in respect of the same incident and owing to the disputes between the parties the possibility of false/over implication is not ruled out.

5. Learned counsel for the informant submits that considering the role alleged against the applicants in ABA No. 1325 of 2023, their application may be considered for grant pre-arrest bail, however, he opposes the application bearing No. 3003/2023 on the ground that there are specific allegations against these applicants of causing assault with stick.

6. Learned APP also opposed both applications on the ground that all the accused came together and caused assault on the informant. As far as the applicants in ABA No. 1325 of 2023 are concerned, it is submitted that the said allegation of assault by them with sticks gets corroborated by the injury certificate. According to her the grievous injuries are caused to the informant and hence, this is not a fit case for grant of anticipatory bail.

7. There is no denial about the fact that there are disputes between the parties which can be ascertained from counter reports lodged by them against each other in respect of the same incident. Applicants in ABA No. 1325 of 2023 there is no allegation against them that they were armed with any weapon or caused assault with the same on the

informant. The Court finds substance in the contention of the learned counsel for the applicants that their custodial interrogation is not necessary. With regard other applicants though allegation is made about the use of stick by them however, the learned Addl. Sessions Judge in order dated 12/10/2023 has clearly recorded that the muddemal in the present case is already recovered. Thus, nothing has remained to be recovered at the instance of these applicants. Applicants are female. In the facts of the case their liberty deserves to be protected.

8. Having regard to these facts, applications are allowed in terms of interim order dated 10/08/2023.

9. Pending application, if any, stands disposed of.

(R. M. JOSHI, J.)

ssp